

10. (Amended) The method of claim 1, wherein the product is white chocolate and the level of the composition is 0.001% to 2% (w/w).

11. (Amended) The method of claim 10, wherein the range is from 0.1% to 0.5% and wherein the composition is cream of lysine:calcium:malic acid:citric acid with a molar ratio of 1.49:1:2.16:0.2.

Remarks

The July 13, 2001 Office Action has objected to the disclosure and rejected claims 1 - 13 under 35 U.S.C.

§ 112. In light of the amendments above and the arguments below, Applicants respectfully request reconsideration.

Informalities

Applicants have amended page 5 to replace the Examiner's cited terms and correct the informality in the molar ratio.

§ 112 Rejections

Claims 1 - 13 are rejected on the ground that the specification while being enabling for a method of reducing photooxidation or air oxidation in a food product does not enable any person of skill in the art to which it pertains to make or use the invention commensurate in scope with the claims. While disagreeing

with the characterization of the specification, Applicants have amended all claims to be limited to food products.

Claims 1 - 8, 10, 12 and 13 are rejected on the ground that the term "at least one amino acid, at least one metal ion and at least one organic acid" and "the composition added in an amount sufficient . . ." are unclear. Applicants have amended claim 1 to recite "between 0.001% and 2% (w/w)" of the food product.

Applicants object, however, to the Examiner's contention that the term "at least one amino acid . . ." is unclear. Applicants point the Examiner to the specification page 3, line 7 - page 4, line 12 where Applicants in a very detailed manner recite which amino acids, metal ions and organic acids are suitable. Applicants believe that they have very clearly described the meaning of the terms.

Claim 8 is rejected as indefinite. Applicants have clarified that the term is "weight/weight."

Applicants have corrected the terminology noted by the Examiner on page 5, paragraph 5.

Applicants have enclosed a Petition and Fee for Three Months Extension of Time. No other fees are


believed necessary. However, if a fee is necessary
please charge Deposit Account 17-0055.

Respectfully submitted,

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By:



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Joel I. Dulebohn, et al.
Serial No.: 09/669,418
Filed: September 25, 2000
For: METHOD FOR PREVENTING PHOTOOXIDATION
OR AIR OXIDATION IN FOOD,
PHARMACEUTICALS AND PLASTICS
Group Art Unit: 1653
Examiner: C. Kam

Commissioner For Patents
Washington, D.C. 20231

MARKED UP COPY OF THE SPECIFICATION AND CLAIMS

At page 5, paragraph beginning at line 21, please
remove the paragraph and insert:

In a most preferred embodiment, the product is milk,
the range is 0.01% to 0.5%, and the composition is 65%
solid solution of "lysine:mg:malic acid:citric acid"
--lysine:magnesium:malic:citric acid-- with a molar ratio
of "1.49:1.2:16:0.72" -1.49:1:2.16:0.72--.

At page 5, paragraph beginning with line 24, please
remove and insert:

--In another embodiment, the product is white
chocolate, the range is from 0.1% to 0.5%, and the
composition is "lysine:ca:malic:citric"
--lysine:calcium:malic acid:citric acid-- with a molar
ratio of 1.49:1:2.16:0.72, which is a crème.

1. (Amended) A method of reducing photooxidation or air oxidation in a food product comprising the step of dispersing within the food product an antioxidation composition comprising at least one amino acid, at least one metal ion, and at least one organic acid, the composition added in an amount between 0.001% and 2% (w/w) of the food [sufficient to reduce photooxidation relative to a photooxidation-susceptible or air oxidation-susceptible material lacking the anti-oxidation composition].

8. (Amended) The method of claim 1, wherein the product is milk and wherein the level of the composition is between 0.001% and 2% (w/w).

9. (Amended) The method of claim 8, wherein the range is 0.01% to 1.0% and wherein the composition is 65% solid solution of lysine:magnesium[mg]:malic acid:citric acid with a molar ratio of [1.49:1.2.16:0.72]
1.49:1:2.16:0.72.

10. (Amended) The method of claim 1, wherein the product is white chocolate and the level of the composition is 0.001% to 2% (w/w).

11. (Amended) The method of claim 10, wherein the range is from 0.1% to 0.5% and wherein the composition is cream of lysine:calcium[ca]:malic acid:citric acid with a molar ratio of 1.49:1:2.16:0.72.